

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Tribal Welfare – West Godavari District –Revision Petition – filed by Smt. Vallabhaneni Seethamma W/o Late Ganga Raju, Pamulavari Gudem H/o Swarna Vari Gudem, Jeelugumilli Mandal of West Godavari District- Against the orders in SRA No.42/93, Dt:12-12-1997 of the Agent to Government, West Godavari District – Dismissed – Orders – Issued.

SOCIAL WELFARE (LTR) DEPARTMENT

G.O. Ms. No. 218

Dated:20-11-2008.

Read the following:

1. From Sri M.V.S. Suresh Kumar, Counsel for the petitioner Revision Petition dt: -1-1998.
2. Government Memo No.2742/LTR-1/1998 dt:16-3-1998.
3. From the Collector, West Godavari, Eluru in ROC F4/1341/2005, dt:25-8-2005.
4. Telegram No: 2742/LTR-1/1998, dt:20-3-2007.
5. Government Memo No.2742/LTR-1/1998, dt:3-4-2007, 7-6-2007.

ORDER:

In the reference 1st cited above Smt. Vallabhaneni Seethamma W/o Late Ganga Raju has filed a Revision Petition before the Government against the orders of the Additional Agent to Government, Eluru in S.R.A No:42/1993 dt:12-12-1997 of Swarna Vari Gudem (V) Jeelugumilli Mandal. The main grounds of the Revision Petition among others are that:

- i. Her husband purchased an extent of Acres 1.61 $\frac{3}{4}$ cents situated in Sy. Nos. 120/1, 120/2, 119/2 from another non-tribal under an agreement of sale in the year 1968 by paying part consideration and possession was obtained in the same year 1968. Subsequently, a regular sale deed was obtained on 23-7-1973. No tribal interest is involved in the transaction. The transaction was not hit by 1/70 as the sale took place in the year 1968.
- ii. The transaction is in respect of non-tribal and when the land does not belong to the tribals, the regulations have no effect and the sale deed dated:23-7-1973, is not hit by regulation 1/70.

2. The case is that on a complaint filed by Special Deputy Tahasildar (TW), Eluru that a Non-Tribe is in possession of the land in Sy Nos. 120/1, 120/2, 119/2, extent of Acres 1.61 $\frac{3}{4}$ cents of Swarnavarigudem (V) Jeelugumilli Mandal by obtaining it on sale from Sri Bommasani Venkanna through registered sale deed No:652 dt:23-7-1973, and as the original transferor Sri Bommasani Venkanna failed to prove as to how he or his predecessors in title came into possession of the Scheduled land, the Special Deputy Collector (TW), held that the earlier possession of land by the original transferor Sri Bommasani Venkanna is in contravention of regulation 1 of 1959 and rules made there under. Hence the Special Deputy Collector (TW), Kota Ramachandrapuram ordered in his proceedings SR No.119/80, dt:24-5-1989 that the Smt. Vallabhaneni Seethamma be ejected from the scheduled land and the same shall be assigned to landless poor Tribals, as already ordered by the same court in SR No.119/80 dt:26-12-1980, read with the orders dt:15-12-1987. Aggrieved by these orders of the Special Deputy Collector (TW), Kota Ramachandrapuram, Sri Vallabhaneni Ganga Raju (Died) Smt. Vallabhaneni Seethamma W/o Ganga Raju filed an appeal before the Agent to Government and Collector, Eluru, West Godavari. The Agent to Government, after hearing the arguments and on perusal of the Lower Court case records held that the sale transaction took place between two non-tribals after the enactment of Regulation, 1/70 which is null and void as per Sub-Section (1) (a) of Section 3 of Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959, and that the sale deed dt:23-7-1973 is void as has been rightly held by the Lower Court. Hence, the Agent to Government upheld the orders of the Special Deputy Collector (TW), Kota Ramachandrapuram and dismissed the appeal in SRA. No.42/1993 dt:12-12-1997. Aggrieved by the order of the Agent to Government, Smt. Vallabhaneni Seethamma filed Revision Petition before the Government.

3. In the reference 2nd read above, the Agent to Government, West Godavari was requested to furnish parawise remarks and case records and the same were furnished in the reference 3rd read above. After examination of the case records, notices were issued to the concerned to attend the hearing of the Revision Petition on :24-3-2007, 9-4-2007 and finally on 16-6-2007. Both the petitioner and her counsel were absent.

4. On perusal of the material evidence on record it is established that:

- a. The transaction took place from non-tribal to non-tribal after commencement of the LTR as seen from the registered sale deed dt:23-7-1973. The sada sale deed cannot be taken as a evidence of proof in the light of the Hon'ble High Court orders in CRP No.1087/96, dt;10-8-1998 in Bangaru Rama Thulisamma Vs Yada Mastan Reddy.
- b. When the lands were originally purchased prior to commencement of Regulation 1/70 and subsequently got them registered in the year 1973, nothing prevented the Revision Petitioner to get the lands registered before 1/70.
- c. Section 3 (1) (a) of Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959 read with Regulation 1/70 prohibits transfer of immovable property from non-tribal in scheduled areas.

5. Government after careful examination of the case records do not find any reason to interfere with the orders of the Agent to Government, Eluru in SRA. No.42/1993 dt:12-12-1997, and hereby dismiss the Revision Petition accordingly.

6. The counsel for the petitioner is requested to inform the petitioner accordingly. The Agent to Government, Eluru of West Godavari is requested to take necessary action in the matter.

(BY ORDER ANDIN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**A.K.TIGIDI,
PRL. SECRETARY TO GOVERNMENT.**

To

The Collector, West Godavari District.

(With RPAD of the following Records)

1.Case SRA No.42/93 Containing pp 1-81 only.

2.S.R.No.15/88 pp-1-60 only.

The Addl. Agent to Government, Eluru, West Godavari District

The Special Dy. Collector (TW), Kotaramachandrapuram, West Godavari Dist.

The Mandal Revenue Officer, Jeelugumilli Mandal, West Godavari.

Smt. Vallabhaneni Seethamma W/o Late Ganga Raju,

R/o Pamulavari Gudem, Swarna Vari Gudem (v),

Jeelugumilli Mandal, West Godavari.

Sri M.V.S. Suresh Kumar, Advocate,

Flat No.2, Sunrise Apartments, Naveen Nagar,

Khairatabad, Hyderabad – 04.

Copy to the P.S. to M (TW&RAID).

SF / SC

// FORWARDED BY ORDER //

SECTION OFFICER